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Remarks

Claims 21-28 are pending in the subject application. Claim 1 has been amended to more clearly recite that which is being claimed. New claim 32 is added which further defines the positioning of the series of holes in the container. Upon entry of the foregoing amendments, claims 21-28 and new claim 32 will be before the Examiner for consideration.

The Examiner has asked that Applicants clarify what priority date should be used for examination purposes of the pending claims. The Examiner has indicated that he has assigned 6/19/2000 as the priority date. Applicants confirm that this is the appropriate priority date to use.

Claims 21 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lin. Applicants respectfully traverse and assert that the amendments to claim 21 further distinguish the claimed invention from the Lin reference. The Lin container is a garbage bin and has nothing to do with collecting a nasal secretion for testing. Claim 21 has been amended to further distinguish the claimed container from the Lin garbage bin, by reciting that the container is designed to fit snugly about a patient's nose. It cannot be said that the Lin garbage bin is designed to fit snugly about a patient's nose. Rather, the Lin garbage collecting container is a pale with large circular opening at the top. Furthermore, it could not reasonably be used as a device to collect a patient's nasal secretions. Given the large difference in design configurations and intended uses of the claimed container and the Lin container, the Lin reference does not teach all of the limitations of claims 21 and 22, and therefore does not anticipate them. Accordingly, Applicants respectfully request reconsideration and withdrawal of this 35 U.S.C. § 102(b) rejection.

Next, claims 23-28 are rejected under 35 U.S.C. § 103(a) as being obvious over the Lin reference. Applicants traverse, and assert that the amendments to independent claim 21 obviate this rejection. Applicants reiterate the arguments made above regarding the 102(b) rejection. The container of claim 23 is designed for the medical purpose of collecting nasal secretions from a patient. In particular, claim 23 is construed to incorporate the limitation that the container is designed to fit snugly about a patient's nose. In contrast, the Lin container is designed for collecting and storing common garbage. The Lin container is a pale having a wide opening at the top. There is no suggestion or teaching to modify the Lin container to be designed to fit

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snugly about a patient's nose. This would be counter to the purpose of having a wide enough diameter to appropriately receive large garbage and waste products. As the Lin reference does not teach the elements of claims 23-28, nor does it reasonably teach or suggest modifying the Lin container to meet the objectives of the claimed container, the claimed invention is not obvious over the Lin reference. Applicants respectfully request the reconsideration and withdrawal of this 35 U.S.C. § 103(a) rejection.

Claim 24 is rejected under 35 U.S.C. § 112, second paragraph, based on the use of the term "zip-lock." Claim 24 has been amended to remove the term "zip-lock", which has been replaced with the terms "reversibly sealable" strip. Support for the terms reversibly sealable is inherent by the term zip-lock. Furthermore, support is found at page 26, *inter alia*, of the specification, which describes several different alternatives for the sealing means. In view of the foregoing claim amendments, Applicants request reconsideration of this rejection.

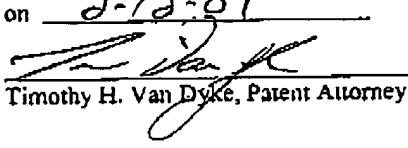
Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Timothy H. Van Dyke, Applicants' Attorney at 407-926-7726 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

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I hereby certify that this correspondence is being facsimile transmitted to:  
Commissioner for Patents at 703-872-9306

on 2-12-07

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